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April 14, 2019

Senior District Judge Jack B. Weinstein
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: 1:17-cv-07599-JBW-ST

Leguette v. Schwans Company et al.

Dear Senior District Judge Weinstein:

This office represents the plaintiffs in the above action. On January 30, 2019, the parties appeared for a hearing before your Honor on defendants' motion for summary judgment. ECF No. 39. At the hearing, the Court indicated it would "sever the Florida case and transfer it to Florida." See Exhibit A, Transcript, January 30, 2019, pp. 21-23. Your Honor "require[d] a separate complaint for the Florida suit, and then our clerk will transfer it to Florida." Exhibit A, p. 29. Plaintiff submits only the sections of the transcript which relate to the transfer and severing of the Florida claims because the entire transcript may contain information subject to the prior sealing order.

The Court's Order of February 6, 2019, stated "Claims on behalf of a nationwide class are dismissed. The national class is dismissed. Miller's claims on behalf of a proposed class of Florida consumers are severed and transferred to the Middle District of Florida." ECF No. 38. Your Honor ordered plaintiff Miller "to file an appropriate amended complaint based on Florida law." 28 U.S.C. § 1404(a) ("For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought").

On March 18, 2019, plaintiff received a copy of the transcript of the January 30, 2019 hearing. Plaintiff submits the "Second Amended Complaint" which has excised the New York claims and is based on the Florida claims of plaintiff Miller. Exhibit B. To prevent any prejudice to defendants, no changes have been made to the First Amended Complaint beyond the removal of the New York relevant terms and plaintiff.

A proposed transfer order is annexed for your Honor's review and transmittance to the Clerk of the Court for transfer of the Florida consumer claims to the United States District Court for the Middle District of Florida and assignment of a new case number in accordance with that District's procedures. Exhibit C. Thank you.

Respectfully submitted,

/s/ Spencer Sheehan
Spencer Sheehan

Certificate of Service

I certify that on April 14, 2019, I served the foregoing by electronically filing and/or mailing (first-class mail) same, to the persons or entities indicated below, at their last known address of record (blank where not applicable).

Defendants' Counsel

CM/ECF

First-Class Mail

/s/ Spencer Sheehan
Spencer Sheehan